

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

LAVERN BERRYHILL,

Plaintiff,

v.

RANDALL WORKMAN, et al.,

Defendants.

No. CIV 11-324-FHS-SPS

OPINION AND ORDER

Plaintiff was denied leave to proceed *in forma pauperis*, because he had at least 15 strikes under 42 U.S.C. § 1915(g), and he had failed to show he is in imminent danger of serious physical harm. He subsequently filed a second amended complaint against 15 named individual defendants and “all C-Unit C/Os that worked C-Unit 9-11-11 6 a.m.-6 a.m. 9-12-11.”

The second amended complaint alleges “[t]his is an imminent danger special jurisdiction claim.” He contends he was not charged, tried, or convicted of the crime for which he is incarcerated, and “high ranking state and federal officials have targeted [him] to be murdered . . . at the O.S.P.” According to plaintiff, the defendants are conspiring to murder him, and they have beaten him, deprived him of essential medications, and contaminated his food with crushed glass. Plaintiff has submitted an affidavit claiming he is continuously beaten by the defendants, and he has videos and witnesses who have observed the defendants attempting to murder him for more than a year. He asks for relief in the form of an emergency injunction to stop the defendants from trying to murder him and from interfering with his health treatments, along with six million dollars in damages from each defendant. After careful review, the court finds plaintiff still has not made a credible claim that he actually is in imminent danger of serious physical harm.

ACCORDINGLY, this action is **DISMISSED WITHOUT PREJUDICE** for plaintiff's failure to pay the filing fee, as directed by the court.

IT IS SO ORDERED this 14th day of February, 2012.



Frank H. Seay
United States District Judge